

APPEAL NO. 020603  
FILED APRIL 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 20, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fourth quarter. The appellant (carrier) appealed this determination on sufficiency grounds. The claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

The carrier contends that the hearing officer erred in determining that the claimant is entitled to SIBs for the fourth quarter. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § (Rule 130.102(d)(2)) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been enrolled in, and satisfactorily participated in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the qualifying period. To determine what programs are to be considered full-time vocational rehabilitation programs, we have previously turned to the preamble and comments to Rule 130.102(d)(2). As we noted in Texas Workers' Compensation Commission Appeal No. 000001, decided February 16, 2000, the preamble to Rule 130.102(d)(2) states that any program provided by the TRC should be considered a full-time program. See Texas Workers' Compensation Commission Appeal No. 010483-s, decided April 20, 2002. In the present case, there was sufficient evidence that the claimant was enrolled, and satisfactorily participated, in a vocational rehabilitation program sponsored by TRC. Additionally, whether the claimant was enrolled in, and satisfactorily completed, a vocational rehabilitation program sponsored by the TRC involve, fact and credibility issues which were for the hearing officer to resolve.

Finally, we have emphasized that a finding of no ability to work is a factual determination of the hearing officer which is subject to reversal on appeal only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Texas Workers' Compensation Commission Appeal No. 951204, decided September 6, 1995. We have reviewed the hearing officer's determinations and we conclude that they are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**WILLIAM PARNELL  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Edward Vilano  
Appeals Judge